Associated Press
James P. Hosty Jr. at House hearing yesterday.

AGENT TELLS FATE OF OSWALD NOTE

Says He Flushed It Down Drain at Chief's Order

WASHINGTON, Dec. 12 (AP) —An agent who investigated the assassination of President Kennedy testified today that he flushed down the drain a note that Lee Harvey Oswald had delivered to the Dallas office of the Federal Bureau of Investigation.

James P. Hosty Jr., who is now in the Kansas City F.B.I. office, said he had been ordered to destroy the Oswald note by J. Gordon Shanklin, at that time chief of the F.B.I. operations in Dallas.

Mr. Hosty testified before a House Judiciary subcommittee that is looking into charges that the F.B.I. withheld evidence from the Warren Commission, which investigated the Nov. 22, 1963 Kennedy assassination. The Warren commission concluded that Oswald had killed Mr. Kennedy.

In testimony yesterday, Mr. Shanklin, now retired, denied ever knowing about the Oswald note and said he never ordered anybody to destroy it.

Mr. Hosty said the note was delivered by Oswald to the F.B.I. receptionist in Dallas while he was out to lunch about Nov. 6 to 8.

He said the note, two paragraphs on bond paper, said, "If I did not stop talking to his wife, he would take action against the F.B.I."

Interviewed Mrs. Oswald

Mr. Hosty said he had previously gone to the home of Ruth Payne on Nov. 1, 1963, trying to find Oswald because of his contacts with the Communist Party. He said Mrs. Oswald came out of an adjoining room and he interviewed her with Mrs. Payne acting as interpreter because Mrs. Oswald did not speak English well.

On the day of the Kennedy assassination, Mr. Hosty said, he was dispatched to the Dallas police station to assist in interviewing Oswald because of his own knowledge about right-wing extremists.

Oswald said to him, "You're the one who's been interviewing my wife," Mr. Hosty related, and said it took some time to quiet Oswald down after that.

Later, he said, Mr. Shanklin called him into his office at F.B.I. headquarters and "was quite agitated and upset about the note." Mr. Hosty said Mr. Shanklin ordered him to write a memorandum detailing receipt of the note, its contents and the interviews with Mr. Payne and Mrs. Oswald. Mr. Hosty said he dictated a memo to a stenographer and delivered it to his boss the same day.

But, on Nov. 24, two to four hours after Oswald was pronounced dead, he said he was again called into Mr. Shanklin' office.

Mr. Shanklin reached down into the lower right-hand drawer of his desk and took out the memorandum and note in question and said "Oswald is dead now; there can be no trial," Mr. Hosty testified.